

[Mr. President]

[22nd April 1948]

" I have to announce to the House the following message, dated, Guindy, the 29th January 1948, from His Excellency the Governor :—

' In pursuance of section 82, sub-sections (1) and (3) of the Government of India Act, 1935, I, Archibald Edward Nye, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Public Libraries Bill, 1947.' "

IV.—GOVERNMENT BILLS.

(1) THE MADRAS RE-ENACTING AND REPEALING (NO. 1) BILL (L.A. BILL NO. 3 OF 1948).

THE HON. SRI K. MADHAVA MENON :—" Mr. President, Sir, I move—

*' that the Madras Re-enacting and Repealing (No. 1) Bill, (L.A. Bill No. 3 of 1948) * as passed by the Legislative Assembly be taken into consideration at once.'*

" The House may remember that this Bill was introduced in this House for the appointment of a Joint Select Committee. Various Acts were passed during the Advisers' regime which lapse two years after the proclamation under section 93 is revoked. The Government examined these Acts one by one to see whether there is any need to re-enact or repeal them or allow them to lapse. Most of these Acts are intended to amend the original Acts for better administration. The original Bill as it was presented to the House contained three schedules, the first schedule relating to re-enactments, the second schedule to re-enactments with modifications, and the third schedule to repeals. The Joint Select Committee found that certain Acts required further examination before they were re-enacted permanently. So there are four schedules to the Bill as it has emerged from the Committee. The first schedule deals with re-enactments, the second schedule with re-enactments with modifications, the third schedule with re-enactments for one year only, and the fourth schedule with repeals. The Bill has been thoroughly examined by the Joint Select Committee and considered and approved by the Assembly. I move that it be taken into consideration at once."

* DR. V. K. JOHN :—" Mr. President, Sir, I regret that this procedure should have been adopted by the Government for re-enacting a large number of Acts. This procedure is, in my opinion, not only irregular but also illegal. Certain Acts were passed by the Advisers' Government which functioned under section 93 of the Government of India Act, 1935. Section 93 (4) of that Act provided that these Acts should have effect only for a period of two years from the date on which the proclamation under section 93 ceased to have effect, unless they are sooner repealed or re-enacted. As such Acts lapse on the 30th of April 1948, the Government have now come forward with a Bill to re-enact certain Acts which they think are necessary to be continued.

22nd April 1948]

[Dr. V. K. John]

The Council Rules prescribe a certain procedure in respect of Bills. Somebody has to introduce and move the Bill, then it is considered in various stages and then passed into law. That procedure is not being followed here. It may be that during the last two years, the Government have been very busy and they could not bring each Act in the form of a Bill and pass it into law. After all, two years is a long period. They have now introduced one Bill in which there are four schedules and in each schedule there are many Acts, each Act being independent of the other. They have not chosen to give the body of the various Acts in the schedules. They want a hundred and odd Acts in the schedules passed into law in one bunch by merely passing a few sections of a principal Bill. This is book enactment or schedule enactment and not Bill enactment. I ask the question whether it is proper for the legislature to pass a large number of Acts included in the schedule of one Bill? The procedure is in total disregard of the Council Rules and shows scant courtesy to the legislature. You have not made any attempt to amend the Council Rules to enable you to do so. This is not only irregular but also illegal. I know that under the Government of India Act, a court of law cannot question any irregularity in procedure in the legislature. If any of the Acts in the schedule after re-enactment goes before a court, I am sure, it will be said that the Act was not validly passed by the legislature. The Government have therefore slept over this matter for the last two years since the proclamation under section 93 had ceased—two years is a very long period—and they now wake up and bring in all these hundred and odd Acts as Schedule to this Bill which we are asked to enact into law. Does it show any courtesy to the Legislature, I ask? Can anybody read through this ponderous book containing 165 pages of various enactments of varying importance? Are we not entitled to discuss the principles of each Bill and move amendments? Now Sir, this Bill is sought to be rushed through. The Government in the various Bills which they have brought forward in this House up to this time, have tried to exclude the jurisdiction of the court and we have often criticised such a procedure. Now in this Bill the Government are trying to exclude the jurisdiction of the legislature. We are given the right by law to discuss the principles of each Bill and to move amendments and take reasonable time for the discussion of such amendments. Sir, one of the Bills in the schedule runs into more than 50 sections and we are asked in a very short time to pass this Bill along with others in a Schedule which contains hundred and odd Bills. Sir, it does not show any respect or courtesy to the members of the legislature who are expected to discharge certain duties entrusted to them by the public and the Government are trying to prevent them from discharging those duties and responsibilities. We are asked to pass something which is no legislation at all. They will not become valid statutes, because they have not been enacted in the way in which laws have to be enacted by this

11-30
a.m.

[Dr. V. K. John]

[22nd April 1948]

House. There is here a total disregard of the provisions of law and of procedure. The result is that the time of the House is wasted and therefore I wish to raise a very serious protest against the procedure adopted by the Government. If this Bill is allowed to pass this time, I should not be surprised if the Government which has been sleeping over many other matters like this, would come up with a number of other enactments as Schedule to a Bill and ask us to pass the same, citing this as a precedent. I submit, Sir, there is no justification, either legal, equitable or moral for attempting to pass a number of Acts as a Schedule to a Bill. The Government seems to think that the re-enactment of an Act is different from enactment. There is no warrant for this conclusion. When an Act lapses, it ceases to have any effect altogether and then it must be introduced as a separate Bill and discussed and passed by the Legislature and then only it could be placed on the statute book, if it is to be re-enacted. You have always to remember the principle underlying section 93 of the Government of India Act, 1935, and that these Acts were not enacted by popular legislatures. Now I ask, why should an enactment which would lapse at the end of this month be repealed now? Why does the Government want to enact a Bill for that purpose? (Interruption.) My hon. Friend, the Law Minister, says that if an enactment lapses, it is not sufficient but that it should be repealed. To me it seems something like sending a bullet on a dead body. If it lapses, it lapses once for all. I do not think it need be repealed. It will have no force after it lapses; it would become a dead Act at the end of the month. There is no meaning in repealing it because there is nothing to repeal.

"Sir, what we are now most concerned is the procedure that is being adopted for re-enacting a large number of Bills. These Bills were passed during the Advisers' Government without having gone through any legislature and now we are asked to pass them in a lot without discussion, and without knowing their implications. That the Government has not bestowed even a little care on the wording of these enactments is clear from the various clauses of the Bill. Clause 2 says, 'The Acts specified in the First Schedule are hereby re-enacted permanently, with the modification specified in section 5.'

"Now, Sir, there is nothing like a permanent enactment on the statute book, because it is an elementary principle of constitutional law that an enactment may be repealed by a competent legislature at any time. You can never have a permanent enactment binding all the future legislatures. You can pass a Bill into law to be in operation for, say six months or one year. That is a different thing altogether, because at the end of that period it automatically lapses. If no period is specified in an Act, it means that it will remain in force until it is repealed by a competent legislature. Now the wording used in some of the Acts is that they are to be enacted permanently. Cannot a legislature to-morrow or the day after or any other future day come and say, 'We want to repeal this Bill?' That is why I say, there is nothing

22nd April 1948]

[Dr. V. K. John]

called permanent legislation and you cannot bind your successor. Therefore I submit, Sir, that the use of the words 'permanently enacted' is not correct according to the elementary principle of constitutional law."

MR. PRESIDENT :—"What harm does it do if the word 'permanent' is there?"

DR. V. K. JOHN :—"Because it might give the impression that nobody can repeal it."

MR. PRESIDENT :—"I do not think the House will accept that meaning."

DR. V. K. JOHN :—"The word used here is 'permanently.' There is no meaning or sense for that word at all in the present context, as I have explained already. We should never use words which are unnecessary in an enactment. We should not become the laughing stock of the public who read these Acts. I therefore dissociate myself from the word 'permanently' used in the Bill. If the Government says that it does not mean anything, then it ought not to be used at all; but if it says that it does mean something, then it means that the enactment is permanent and not temporary and that it will be in force for all time. I submit, Sir, that this Legislature has no power to enact anything permanently, because any of its successors can repeal it."

11-45
a.m.

MR. PRESIDENT :—"It only means enacted without any time-limit."

DR. V. K. JOHN :—"Then, Sir, every enactment that we have passed in this House is without time-limit. In the various Bills which we have passed from time to time in this House we have not used that word 'permanent.' Does the House of Commons use that word, Sir? Does any other Legislature use that word? It is not that I am hurt by the word 'permanently.' (Interruption by the Hon. Sri K. Madhava Menon.) These Acts may be quoted in Bombay, because Madras has the reputation of passing correct Bills, and they may say that Madras has passed such a Bill using the word 'permanently.' I can understand a temporary measure, but I cannot admit this wording, Sir, I am against this sort of enactment. I ask the Government to be a little more careful when they introduce such Bills. There is the excuse that they had no time to go into these Acts to bring them before the House early. Can they tell the public of this Province that for two years they had no time? They knew that these Acts were passed during the Advisers' regime and that they would lapse after a period of two years from the date of the withdrawal of the proclamation. If they tell the public that in the last two years they had no time, no officers and no staff to assist them in this matter, nobody would believe them. I say this is a reckless piece of legislation sought to be introduced by the Government utterly regardless of the rules. This is utterly discourteous to the Legislature. Having said this, I do not wish to go into the details of any Act in the Schedule. This legislation, if passed, would be

[Dr. V. K. John]

[22nd April 1948]

quite illegal. Although there are very many Acts against which criticism could be levelled, I do not propose to comment on any provision in the Bill or on any Act mentioned in the Schedule or give notice of any amendments."

SRI N. RANGA REDDI :—" Sir, I do not want to take much of the time of the House except to reply to the remarks of the hon. Leader of the Opposition. I feel that a mistake has been committed in comparing this legislation with other Bills. During the Advisers' regime a number of Acts had been enacted. This Bill is a comprehensive legislation covering all those Acts which were passed during the Advisers' regime. The Advisers considered all the aspects of these Acts and they approved of them. But unfortunately, under the Government of India Act, 1935, all the Acts passed during the Advisers' regime become invalid after the lapse of two years from the withdrawal of the Proclamation. No doubt it is true that it would be much better if every Act that has been passed is brought before this House and approved by this House. There are some matters which have already been covered by enactments, and I may say, Sir, that there was legislation even before the Legislative Councils came into existence. Those enactments have not come before this House for re-enactment. In the same manner, I beg to submit that this matter has been thoroughly considered and brought before this House. If it is found that there are any objections, it is open to us to reject that legislation. The Leader of the Opposition laid very great stress on the word 'permanently.' As I already said, Sir, it is not one single Bill. It is a comprehensive Bill dealing with Acts to be enacted for all time and with Acts which are to be in force only for a period of years. When it is said 'permanently', it does not mean that the Legislature has no power to revoke the Acts. The word is used in contradistinction to the word 'temporary.' That is all. If the word has been used in the Bill, it is because in the Bill there are two kinds of Acts, namely, some which would be in force for a few years, and some which would be there permanently. It is very necessary that the word 'permanently' is there. Otherwise, those Bills would have no meaning at all. I like to submit that the objection raised by the Leader of the Opposition that the use of the word 'permanently' is not maintainable."

SRI B. NARAYANASWAMI NAYUDU :—" Sir, Mr. Ranga Reddi, is vehement in his speech and assertive. I want to know what is the principle in this Bill. We know that we have powers to pass Bills. As Dr John has put it will this Government be justified in asking us, at the end of the year, to pass the Bills mentioned in the Schedule? They are not going to put the Bills clause by clause or one Bill after another. They say that Bills A, B, C and D are before this House for consideration, and they want this House to pass those Bills contained in the Schedule. That is the fundamental point. I want to ask the Satyagrahi lawyers on the other side whether such a Schedule be brought to pass so many

22nd April 1948] [Sri B. Narayanaswami Nayudu]

Bills contained in it is contemplated anywhere in the Government of India Act. Mr. Ranga Reddi was very vehement that there was nothing wrong about it. I ask, Sir, have they ever heard of a Legislature being asked to pass so many enactments contained in the Schedule to the Bill. They have not understood the elements of the Advisers' regime. They had prerogative powers to pass those Acts. The Act gave powers to them to do so. They were not subject to the vote of the Legislature. But those Acts become invalid unless they receive the assent of the Legislature within two years of the withdrawal of the Proclamation. It is a very elementary principle for which we are fighting that no law should be passed by an executive authority. (Interruption by Sri N. Ranga Reddi.) The ludicrousness of the situation will be clear if you take only one Act, i.e., the Re-enacting and Repealing (No. 1) Bill. What is the principle involved in this Bill? There is no principle except that the Bills subjoined in the Schedule shall be passed. The Acts are (1) The Prisons (Madras Amendment) Act, 1940, (2) the Madras City Police (Amendment) Act, 1940, (3) the Madras Suppression of Immoral Traffic (Amendment) Act, 1940, (4) the Madras Motor Vehicles Taxation (Amendment) Act, 1940, (5) the Madras District Municipalities and Local Boards (Amendment) Act, 1940, (6) the Madras Christian Marriages Validation Act, 1940, (7) the Madras Rinderpest Act, 1940, and (8) the Indian Medical Degrees (Madras Amendment) Act, 1940, and so on. I was stupefied to see these series of Acts. But my stupefaction is nothing when I consider that the series of Acts given here specify only their numbers and do not give any details about them. We must know the nature of the Acts before we can pass them. There must have been some reasons for passing these Acts before. The only course to be adopted by Government is to bring forward these Acts one after another and then pass them into law. I ask hon. Members on the other side whether they can say that these Acts are really being considered by this House. (Dr. V. K. John :—They do not know their contents.) I do not know whether they know it or not. I submit to the consideration of the President whether Government can move a Bill like this without telling us the contents of the so many Acts, and without giving us the reasons for those Acts, and rush through this Bill. It is not at all in conformity with the rules. The whole question in the Constitution is a Bill shall be introduced and not that a Bill to pass so many Bills shall be introduced. Without meaning any disrespect to the President, I submit that the discretion to waive the three days' notice may not be exercised except in very exceptional circumstances."

MR. PRESIDENT :—" Have you not had notice of this? "

SRI B. NARAYANASWAMI NAYUDU :—" Can I know all these one hundred Acts or so, Sir? "

MR. PRESIDENT :—" You got all these after they are passed by the Assembly? "

[22nd April 1948]

SRI B. NARAYANASWAMI NAYUDU :—" I pray that in the interests of what may be called democratic legislation, the three days' notice may be adhered to and only in extraordinary cases it should be waived."

MR. PRESIDENT :—" I may inform the hon. Member that I thought it was only formal and that there would not be any objection. It is with that idea I allowed it. But if the hon. Member thinks that there are enactments which are really serious, then it is really a point for consideration."

SRI A. GOVINDACHARYULU :—" There is one serious Bill in the list of Bills."

12 noon. MR. PRESIDENT :—" The hon. Member should address the Chair. He should observe a certain decorum in this House."

SRI B. NARAYANASWAMI NAYUDU :—" Sir, the rules require that the three days' notice should be adhered to. Apart from this, this Bill of Bills introduce so many Bills of which we have not got copies. The Government may say, you have got this Code and that Code and why do you not study them? But, the Hon. the President knows that we do not know the contents of the Bills which this House is asked to pass all on a sudden. Only the Preamble states that there is necessity to re-enact these Bills. That is a vital objection which my hon. Friend has raised and I request that a ruling may be given on this matter. Secondly, the three days' notice should be adhered to especially when there is no war or threat of war for passing of these Bills immediately."

MR. PRESIDENT :—" With regard to the question of three days' notice, I suppose the hon. Member knows that I have been insisting on proper notice being given when serious matters come up. But, in this case, I waived the notice because it was thought to be a formal matter. I hope hon. Members understand my position so far as this Bill is concerned. Is the hon. Member raising a point of order? I do not think the Leader of the Opposition wants to raise a point of order."

DR. V. K. JOHN :—" I said it is illegal. I ask for a ruling from the Chair whether a Bill introducing several Bills is legal."

SRI B. BHIMA RAO :—" Mr. President, Sir, I want to make a few remarks and observations as an *amicus curiae*. I feel there is considerable force in the objection that is raised by my two hon. Friends that this legislation should not be rushed through in April. I also wrote to the then Law Member—who is not here now in this House—asking him that if these Bills have to be re-enacted or modified by the end of April 1948, whether he will consider the expediency of having a Committee of lawyers to consider each Bill separately. Not only did I write that letter to the Law Minister but I also published it in the Press. It was published in the *Hindu* of 2nd July 1947 and also in the *Svathantra* of the first week of July 1947. I wanted the then Law Minister

22nd April 1948] [Sri B. Bhima Rao]

to do something in this matter so that we may consider each Bill separately and discuss the merits of each and then decide whether it should be retained on the Statute Book. Sir, in December 1947, I got the first set of Bills, that is, the Repealing Bill No. 1. As a conscientious legislator, I took all the Acts passed from 1940 to 1946 which had been promulgated during the Advisers' Government. But I found a number of omissions. I again wrote to the then Law Minister and asked him, what is the meaning that in considering the several Acts which have been passed from 1940 to 1946, there are a number of omissions."

MR. PRESIDENT :—" Does the hon. Member mean that Acts are omitted."

SRI B. BHIMA RAO :—" Yes, Sir. There are a number of Acts which have not been referred to in the first set of Bills."

MR. PRESIDENT :—" Evidently they do not want to re-enact them."

SRI B. BHIMA RAO :—" The result was that in another ten days, I got another book, Repealing Bill No. II. Mr. President, Sir, you will see what a taxing business it is for a conscientious legislator to go through all those Bills. It took three or four hours to see how many Acts have been passed and dealt with and how many have not been dealt with. Then, I again wrote to the Law Minister that some other Acts were missing. Now, Sir, I have got another Bill, Repealing Bill No. III for resolving some doubts. I think that Bill makes confusion worse confounded; instead of resolving any doubts, I think, our doubts are enhanced by that Bill. It would have been better if we are to take up a dozen or twenty Acts at every sitting, consider them separately and pass them, instead of passing them *en bloc*. I do not wish to say anything more. Sir, I find that there is one Act which is in Bill No. III and that is the Madras City Police and Towns Nuisances (Amendment) Act of 1941. It is Act XXIII of 1941 and it is rather repulsive to ideas of freedom which we have got at present and which ought not to be found on the Statute Book. There is a drastic provision in this Act XXIII of 1941 which gives power to the Commissioner of Police in the City of Madras to deal with a person who is not a resident of Madras but who comes from outside and to pass orders of detention and externment and so forth on him. Sir, it is a very very drastic legislation. Probably it was justified in the year 1941 in the midst of war when there were threats of Japanese invasion. But, to-day, I do not think that Act is a necessity. We have now passed the Madras Public Safety Act and some other kindred Acts. Therefore, I do not think the Act which I have referred to should be on the Statute Book even for one year. With these observations, I resume my seat."

SRI A. GOVINDACHARYULU :—" Mr. President, Sir, I wish to invite your kind attention to one particular Act which is introduced for being re-enacted in the present Bill. Sir, I find that a number of Acts are introduced in this Bill for re-enactment,

[Sri A. Govindacharyulu] [22nd April 1948]

but we do not know what are the Acts. We are not supplied with copies of those Acts but we are asked to deal with those Acts. We did not have occasion to go through those Acts because we were in jails at the time those Acts were passed. Apart from that, there is a very serious Act in this list."

THE HON. SRI KALA VENKATA RAO :—" If the hon. Member had called upon the Minister, he would have arranged to supply him with copies of the Acts."

SRI A. GOVINDACHARYULU :—" Sir, my purpose in speaking on this is to draw the attention of the Government to the 7,000 villages of this Province whose interests are affected in this Bill of Bills and to safeguard their interests. I am referring to the Estates Land Act (Amendment) Bill, 1941. It was not a Bill which was passed by the Legislature but it was an Ordinance passed by the Advisers' regime. We all condemned the autocratic regime of the Advisers' Government. I do not know why this Act should find a place in the present Bill. It was not included in the first publication but it is found in the second Repealing Bill. This measure was being contested from the year 1908 on the floor of the Legislature a number of times and many cases were brought before the Madras High Court who gave certain decisions. To circumvent all those decisions, the Advisers, all on a sudden, overnight, issued this Ordinance affecting 7,000 villages and having a population of three lakhs of people. As a matter of fact, our learned Revenue Minister has brought forward the Zamindari Abolition Bill which is being considered by the Select Committee now. When that Select Committee is still considering the Bill, why should that Act be included for re-enactment in the Repealing Bill? That was a lawless law which was made by the Advisers at the instance of the Communists when the Government was badly in need of the co-operation of the Communists. The Communists met at Bezvada and passed a resolution and waited in deputation on the Advisers and promised their co-operation. At their instance, that Act was passed which affects 7,000 villages in this Province."

MR. PRESIDENT :—" I think the hon. Member's voice is naturally loud enough and there is the mike as well, so he need not speak so loud."

SRI A. GOVINDACHARYULU :—" Yes, Sir. Then, Sir, in view of such a serious nature of the Act affecting 7,000 villages and three lakhs of people and which is being contested for the past forty years from time to time both on the floor of the Legislature and in the courts, I do not know how Government came forward to re-enact that Act. Of course, you may ask us to raise our hands. Certainly we are obliged to raise our hands as partymen. But there is the conscience. Therefore, I request the Government to take out at least this Act and bring it as a separate measure before the House, in view of its serious nature affecting one-third of the ryotwari population of this Province."

22nd April 1948]

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Mr. President, Sir, we are a minority here; yet we have to have our say. Sir, we, sitting on this side of the House, raise a very strong protest against the manner in which legislation is being rushed through by the Government."

SRI B. NARAYANASWAMI NAYUDU :—" Not rushed through; by-passed !" (Laughter.)

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Sir, as a matter of fact, when the Leader of the Opposition and other members were speaking on this Bill, I felt that there was a sort of feeling on the part of the members of the Ministerial Benches that they must have permanent laws to enable them permanently to carry on the Government. That is why probably the word 'permanent' is introduced there. But, as a matter of fact, this sort of feeling of permanency in their seats"

MR. PRESIDENT :—" I do not think the hon. Member need labour that point; the word 'permanent' is used not for the reason they believe that they will be in Government for all time by passing this Bill. Hon. Member may take the word as meaning 'permanent as long as it is there'."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" We certainly take proper precaution not to level any uncharitable criticism"

MR. PRESIDENT :—" If by passing this Bill, the Ministers are going to become permanent, then as one man, they will push through this Bill!"

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I am not saying that by passing this Bill, they will become permanent in their places. But, there seems to be a feeling on the part of the other side that they are permanent."

MR. PRESIDENT :—" I do not think so."

THE HON. SRI K. MADHAVA MENON :—" Except God, there is nothing permanent."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I am glad to hear the Hon. Minister saying that except God, there is nothing permanent. (Interruption.) I shall leave it at that."

" Sir, the other point is whether a Bill re-enacting so many Bills can be introduced. On that point we look to you for protection, advice and guidance. If hon. Members on the other side are not amenable to reason, I would suggest they might bring forward one Bill to give fascist powers to the Government, declaring that whatever they do will be law. But if we want to act in a democratic manner, we should give our decisions on each Bill separately. What is done now is a breach of the constitution and an abuse of democracy. We appeal to the Government not to rush through this Bill. We want to enter our strong protest

12-15
p.m.

[Abdul Latif Farookhi Sahib Bahadur] [22nd April 1948]

against the way in which one or two Bills have been introduced to re-enact several Bills passed by the Advisers' Government, Sir, whether these Bills were good or not, a democratic Government ought not to give the impression to the public that they accept all the Acts passed by the Advisers' regime under section 93 to which all Congress members were opposed. We should not follow, or imitate or emulate the manner in which the Advisers carried on the Government. Whatever may be the justification or unjustification for having these Bills passed into law, at least for sentimental reasons, as we are an independent country, we should not follow the Acts passed by the autocratic Advisers.

"Sir, my hon. Friend, Mr. Narayanaswami Nayudu, was correct in saying that in this bunch of Bills there may be one or two with which we may agree and one or two with which we may not agree. If all these Bills are clubbed together it will be difficult for us to give effect to our views. Sir, the steam-roller majority has now become a famous expression. But, I must give a friendly warning to our friends. Their own partymen are criticising the attitude adopted by them. It is a pointer to them showing which way the wind blows and that all is not well with the Government. Therefore, Sir, in the interests of their own party and democracy and amicable understanding between the Opposition and the Government, it is necessary that the Government should not be carried on in this fascist manner. With this appeal, I wish to record my emphatic protest against the manner in which this thing is done."

* SYED TAJUDDIN SAHIB BAHADUR :—"Sir, it is nothing short of out-heroding Herod. With all their steam-roller majority and all the powers they have, I wonder why the Government should fight shy of the ordinary methods of doing these things. We found fault with the bureaucrats in the olden days. But even the proverbial bureaucrats never did such a thing except in an emergency. Under ordinary conditions, I do not see why a popular Government should bring forward this Bill of Bills as Mr. Narayanaswami Nayudu has beautifully put it, and rush through it? How can we agree to this Bill being rushed through this House? This is all that I have got to say, Sir."

THE HON. SRI K. MADHAVA MENON :—"Sir, we are continually reminded about the 'steam-roller majority'. That is a stale argument."

MR. PRESIDENT :—"The Hon. Minister need not worry about it."

THE HON. SRI K. MADHAVA MENON :—"But when it is hurled against us, let it not be thought that I have not got something to reply to it. After all it is only the majority that is going to rule and not the minority."

"Sir, the principles of this Bill were approved by this House when it was introduced here last December and referred to a Select Committee. The House agreed to a motion for setting up a Joint Select Committee. According to Parliamentary practice the House

22nd April 1948] [Sri K. Madhava Menon]

is supposed to have accepted the principles of the Bill. Then Dr. John was present in the House. Mr. Narayanaswami Nayudu's name was proposed to the Select Committee but he said it was not convenient to him."

SRI B. NARAYANASWAMI NAYUDU:—"We own the mistake that this point was not raised then."

MR. PRESIDENT:—"If you want, I shall give you an opportunity. This matter should be thoroughly discussed. I am not going to hurry the matter with my ruling."

THE HON. SRI K. MADHAVA MENON:—"I am not pleading any estoppel, Sir. I am only saying that people may become wiser after certain things happen. Dr. John has become wiser after the last meeting. The objection that this procedure cannot be adopted under the Rules and the Act is not correct, Sir. The Bill has been passed by the Assembly. The schedule contains a number of enactments. It is a common thing for many Bills to be passed with schedules containing 300 or 400 rules although the rules have as much effect as the sections.

"Sir, it is argued that there is no time. A copy of the Bill was handed over to every Member in December. The Select Committee went through the whole Bill and said that as the modifications suggested by them are minor ones, republication of the Bill is not necessary. That was why these two bulky volumes containing so many Acts were not reprinted and circulated. The original thing is there intact. The Committee thought that certain Bills required further consideration. Instead of giving them permanent life, they have been put on the statute book for one year.

"Mr. Farookhi Sahib asked what he could do if he agreed with one Bill and did not agree with another Bill. It is open to him, Sir, to say that item number so and so in the schedule be deleted or amended in such and such a way."

SRI B. NARAYANASWAMI NAYUDU:—"Will it be passed?"

THE HON. SRI K. MADHAVA MENON:—"It is not a question of being passed. It can be done. It does not mean that you are bound to vote for the entire thing if you do not agree with it. That is no argument, Sir.

"Sir, Dr. John, the good lawyer and advocate that he is, wants to make the world understand that nobody else perhaps knows anything of law. He challenged me to show any instance where such a thing has been done, any other legislature where such a thing has been done. Sir, exactly the same thing was done in the Central Provinces Legislature. The same difficulty arose with regard to the Acts passed in the Advisers' regime and the same procedure was adopted by mentioning in the schedule to one Act all the other Acts. In Act XLVIII of 1947, sixty Acts were mentioned—their names only—in the schedule, and they were re-enacted. The same thing happened in Act XXV of 1942 in the

[Sri K. Madhava Menon]

[22nd April 1948]

12-30
p.m.

Central Legislature. There the enactments specified in the first schedule were repealed, those specified in the second schedule were amended and so on. There were as many as 100 Acts. Dr. John, who said that no legislature in the world has done that should know that, Sir. Similarly the principle is the same in regard to Act I of 1948 of the Central Legislature repealing certain enactments. Say about 100 of the Ordinances were issued. They were all repealed by being simply mentioned in a schedule. So also Act VI of 1937 of the Central Legislature similarly repealed and amended certain Acts by a schedule. I am not, of course, quoting any authority for what has been done by the Houses of the Legislature of other Provinces, because what is done elsewhere is no authority for us. When this point was raised, whether it is in order to bring in a Bill like this, the Speaker pointed out to the Leader of the other House that such a procedure was followed in the Central Legislature. Now that the question has been raised, it is for you to decide the point of order. As you were pleased to observe this is more or less fundamental and Mr. Narayanaswami Nayudu also agreed that it is only a formal objection and the principle of the Act mostly would not be objected to. That is why Dr. John took a very wise precaution when he said that he did not want to speak on the merits of the Bill but only on principle that the whole thing is wrong. I do not agree with him. Perhaps he thought that discretion was the better part of valour. Though he challenged me, he has nothing to say against the merits of the Bill. Fundamentally there is nothing wrong in it. Apart from the Government of India, we have followed the most convenient procedure. It is not as if we are withholding any information from this House. Same thing is done with regard to every Bill which is proposed to be enacted or repealed. Of course, Sir, we are not withholding any information from this House."

MR. PRESIDENT :—" I suppose the original Acts were given to every Member."

THE HON. SRI K. MADHAVA MENON.—" Yes, Sir. In December 1947 a copy of all the Acts was given to every Member and because there was no amendment, it was not reprinted as it meant unnecessary waste of paper. In fact, in the Annexure the Objects and Reasons in respect of every Bill are given. We have also given the reasons as to why we propose to amend, repeal or re-enact and in what manner they are to be done, are all given in the Bill. Nothing has been kept off from the Members of the Legislature nor do we want to evade. It is not a case of shirking. My hon. Friend has asked, why should you be afraid. There is no question of being afraid when every information that is at the disposal of the Government has been given to Members. It would be ridiculous to bring in legislation once every half year or at the end of the year in respect of all these Bills. During the Advisers' regime about 200 Acts were passed and instead of wasting the time of the House we are adopting this procedure. Dr. John was waxing eloquent about wasting the time of the House by bringing one Bill per day and giving information to Members. Sir.

22nd April 1948] [Sri K. Madhava Menon]

opportunity was given to Members to bring in any amendment they liked when the Bill was discussed in this House on the last occasion, when there was a resolution for appointment of certain representatives from this House to the Joint Select Committee. So it cannot be said that we wanted to evade the question. Sir, no legislature would be by-passed and that was the word used by my hon. Friend, Mr. Narayanaswami Nayudu. When your wife is not in good terms with you or you do not like her, any word you use will be resented by her and if you cannot drive her away, you merely abuse her or beat her and whether it has the desired effect or not is a different matter."

MR. PRESIDENT :—" The question is whether on principle we can take up a number of Bills by means of a consolidating Bill and say, pass all these Bills. Can you do it? "

THE HON. SRI K. MADHAVA MENON :—" There is nothing wrong in doing it and there is nothing in the rules to prevent it. Of course, it can be prevented when it is most unnatural and improper."

MR. PRESIDENT :—" If it is unnatural there, how is it natural here? "

THE HON. SRI K. MADHAVA MENON :—" There is nothing unnatural or illegal in respect of this Bill because every year in the course of normal duties, when there is necessity for legislation and we need not wait till the end of the year, such a thing is being usually done. In this case, these Bills were there, we had to examine about 300 of them one by one, as to whether they should be re-enacted, repealed or amended. In fact about 30 Acts we had to repeal by means of amending Bills and about 20 to 25 were allowed to lapse because we did not want them. In view of the fact that we had to examine about 200 Bills and it would take time we thought this would be a convenient procedure to adopt. Technically speaking there is nothing against it in our rules and in fact we can club 4 Bills together and it is enough to mention them in the schedule as we have now done. There is nothing in the rules as they stand at present to prevent doing that and such a contingency will not happen always."

MR. PRESIDENT :—" Are you correct there? Can you bring a consolidated Bill like this? "

THE HON. SRI K. MADHAVA MENON :—" I am not bringing a consolidated Bill, Sir, but only one Bill."

MR. PRESIDENT :—" In the schedule you give a number of Bills which you want to become Acts."

THE HON. SRI K. MADHAVA MENON :—" If I can give you an analogy, in regard to the District Municipalities Acts, a number of rules in the form of a schedule were placed before the House and passed. All those rules have the force of law as any other substantial Bills. There the rules were passed by means of

[Sri K. Madhava Menon]

[22nd April 1948]

a schedule and the rules were not brought forward through a Bill and they were approved by the Legislature. Yet they have got the same effect as a Bill that is passed."

MR. PRESIDENT :—" I suppose rules are made under the rule-making powers given under the Act."

THE HON. SRI K. MADHAVA MENON :—" No, Sir. That is a different matter altogether. There are rules attached to the Bill which have to be approved by the Legislature and when the schedule is approved by the Legislature, it has all the force of law. I know that rules made under the rule-making powers need not come before the Legislature because Government are given powers to make them."

MR. PRESIDENT :—" Let me understand you correctly. You are referring to a case of a Bill to which a schedule has been attached containing certain rules and the House passes it. How is it similar to this? "

THE HON. SRI K. MADHAVA MENON :—" The rules passed like that have the force of law. It is all a question of wording. Of course, it is open to the House to reject the schedule but when once the schedule is passed it has all the force of law. Whether it is illegal and is waste of time, Dr. John and myself can fight out in a court of law. It is not at all illegal. It is open to the Government or any Member to bring in a Bill attaching anything in a schedule and if you do not rule the schedule to be out of order, anything passed by the House including the schedule, becomes law."

MR. PRESIDENT :—" How do you number those Bills? Do you call them Bills or Schedules to a Bill? "

THE HON. SRI K. MADHAVA MENON :—" They are Schedules to a Bill. The Bill we pass is No. III of 1948."

MR. PRESIDENT :—" It is all right. By virtue of Bill No. 3 of 1948 every Act is being validated and you refer to the Act as Act so and so."

THE HON. SRI K. MADHAVA MENON :—" I will refer to the Act as the Act validated by Act number so and so."

MR. PRESIDENT :—" The Government of India Act, 1935. is validated by Act number so and so. We need not worry much about this. I think we must all agree on the question of principle. Whether it is legal or illegal is the question. It is not a question of the capacity or the intelligence of the members to deal with about 100 Bills, in a group. It is always better to go on certain principles."

THE HON. SRI K. MADHAVA MENON :—" We have never done that before except in the present case. In the Central Government there were Ordinances issued and they had to be made permanent by the Legislature."

22nd April 1948]

MR. PRESIDENT :—“ How do you make out your case that the principle of the Bill has already been considered by this House? ”

THE HON. SRI K. MADHAVA MENON :—“ I never said that it is a question of estoppel. I put these facts before you for your consideration.”

MR. PRESIDENT :—“ Is it your case that all points were considered and the Joint Select Committee was appointed? ”

THE HON. SRI K. MADHAVA MENON :—“ A point of order can be raised at any time unless you overrule it. I say the point of order itself is wrong. There is nothing in the rules of procedure of the Legislature where it is said that I should bring in a Bill in such and such a form. So, when I bring in a Bill in a form and it has been admitted, it does not become out of order. I only said that there is no estoppel. You have not ruled it out of order when it was introduced.”

MR. PRESIDENT :—“ Suppose the Select Committee appointed on the Bill submitted its report and it is before the House, can anybody say, the House cannot take it into consideration? ”

THE HON. SRI K. MADHAVA MENON :—“ I think the rule says, that once the House appoints the Select Committee, the principle of the Bill is accepted. So the point of order is out of order.”

MR. PRESIDENT :—“ I thought you gave up your case.”

THE HON. SRI K. MADHAVA MENON :—“ You have the right at any time to say that it is out of order. I did not give up my case. Under rule 75 of the Council Rules, the Member in charge of a Bill may make one of the three motions in regard to the Bill and under sub-clause (2) of the same rule on such motion, the principle of the Bill and its general provisions may be discussed.”

DR. V. K. JOHN :—“ On a point of information, Sir. Was not this Bill introduced in the Assembly and a resolution moved here to nominate certain members to the Joint Select Committee? In fact, this Bill was not introduced in this House but only the Select Committee members were appointed. So we had no chance of discussing the Bill.”

MR. PRESIDENT :—“ Does the appointment of the Joint Select Committee make any difference under this rule? ”

DR. V. K. JOHN :—“ We concurred in the appointment of a Joint Select Committee and there was no chance of discussing it.”

THE HON. SRI K. MADHAVA MENON :—“ That was the time for the first stage of discussion. When it comes out of the Select Committee the only right of a member is what is given under sub-rule of rule 88, and that is ‘ If the member in charge

[Sri K. Madhava Menon] [22nd April 1948]

12-45
p.m.

moves that the Bill be taken into consideration any member may move as an amendment that the Bill be recommitted.' That is the only thing that a member can do at that stage. The Central Provinces Bill was exactly like this. So, Sir, the only right of bringing amendments by Members after a Bill has emerged from the Select Committee, is as given in rules 88 (2), 89, 90 and 91. I cannot understand the curious argument of Dr. John when he said that this House simply concurred in the resolution. The Bill came here with a request that this Council may also join in the Select Committee because it was only in that way we could have a Joint Select Committee. Suppose the Bill is introduced in this House and we ask the other House by means of a resolution to elect members to the Joint Select Committee, the position will be the same. The same procedure was followed in respect of the Aliyasantana Bill. Therefore, the point of order raised by Mr. Narayanaswami Nayudu, is, if I may say so, hopelessly out of order. (Sri B. Narayanaswami Nayudu: Why don't you say 'ridiculous'?) I leave it to you to use a stronger adjective. So, Sir, word for word, it is identical with what is contained in the Central Provinces Bill."

DR. V. K. JOHN :—" Sir, the Hon. Minister referred to the Government of India Act—for the repealing and amending Act of 1942 and cited it as the authority. Now this repealing and amending Act of 1942 never contemplates a Schedule where a Bill is to be re-enacted."

MR. PRESIDENT :—" I thought your position was this. I understood you this way. You enact a Bill for the first time either to amend or repeal or re-enact a Bill, and you mean that all these things must come independently before this House. Am I correct? "

DR. V. K. JOHN :—" What I mentioned was that a Bill to pass another Bill cannot be introduced unless certain Bills were passed with amendments to previous Acts. There is no sense in saying that an enactment which has to lapse is to be amended. When they say they want an old Act to be passed *in toto* with some amendments, they are only saying these enactments we want to pass. They make certain modifications in the old enactment."

MR. PRESIDENT :—" When you want any Bill for any purpose it must come independently before the House."

DR. V. K. JOHN :—" Suppose you want to repeal one hundred enactments, one enactment is enough because you are repealing them."

MR. PRESIDENT :—" If it is right for one enactment to repeal a number of enactments, how is it wrong to have one Act for validating a number of Acts."

DR. V. K. JOHN :—" You cannot do that. What the Central Legislature did was this. By an enactment they repealed a

22nd April 1948]

[Dr. V. K. John]

large number of Acts. It is quite in order because in repealing an Act you have only to say that such and such an Act is repealed."

MR. PRESIDENT:—"Yes; but you cannot club all these things together; you must have one Act for each."

DR. V. K. JOHN:—"It is all done for the sake of convenience and there is nothing illegal in passing an Act saying that ten Acts are repealed."

MR. PRESIDENT:—"Acts are passed whether by this Legislature or by the Governor under a law properly constituted. So they are certainly laws. But the question is, can you bring in one comprehensive Bill saying that all these things are amended."

DR. V. K. JOHN:—"You cannot do that. A proclamation continues to be in force for two years unless sooner repealed or enacted by an Act by a proper Legislature. Section 93 of the Government of India Act says:

'If the Governor, by a Proclamation under this section, assumes to himself any powers of the Provincial Legislature to make laws, any law made by him in the exercise of that power shall, subject to the terms thereof, continue to have effect until two years have elapsed from the date on which the Proclamation ceases to have effect, unless sooner repealed or re-enacted by Act of the appropriate Legislature, and any reference in this Act to Provincial Acts, Provincial laws, or Acts or laws of a Provincial Legislature shall be construed as including a reference to such a law.'

So, after the expiry of two years it will have no effect at all and it will automatically stand repealed. To say that they are not repealed is to say that they do not cease to have effect. If they are to be re-enacted, in re-enacting you have to follow the procedure of enacting a Bill. You have first to introduce a Bill. The question is, can you introduce one Bill and in the Schedule refer to various other Bills for enactment."

MR. PRESIDENT:—"What is the difference."

DR. V. K. JOHN:—"In the case of repeal, you are repealing a whole Act or a portion of an Act and you say in that Act itself that you are repealing a portion of that Act. In the Government of India Act itself, it is stated like that. The enactment is self-contained because it gives you what it purports to do. It is not passing into law a Bill. It is only repealing an existing Act or a portion of an Act."

MR. PRESIDENT:—"The Bill seeks to amend certain things. On the analogy of what you were now reading with regard to the procedure in the Government of India, that enactment so and so shall be repealed, to that extent, does it not amount to an amendment. When we say that section 7 of Act so and so shall be repealed, what does it mean? Does it not mean an amendment of the Act?"

DR. V. K. JOHN:—"Sir, it is a different thing modifying a portion and repealing the existing Act."

[22nd April 1948]

MR. PRESIDENT :—" You are objecting only to the enactment of Bills and you are not objecting to the repealing of them."

DR. V. K. JOHN :—" Sir, why should there be a specific enactment when an Act repeals itself. It is just like killing a dead body."

MR. PRESIDENT :—" Is it your principle that when you consider any enactment whatever be its nature whether for amendment or for repeal or re-enactment the new Bill must come before the House."

DR. V. K. JOHN :—" Sir, you can amend an existing Act and you can repeal in a bunch but you cannot enact in a bunch. That is all what I say. They say, we are not taking certain Bills *in toto*, and when I compare them I find that there is some difference between the old Acts and those here. It is not correct to say that they are amending the old Acts. In some cases, they have made modifications. When they take old Acts and say that they are repealing them, I have no objection. But my only objection is that there is no necessity for it. But when you are introducing some Acts with some modifications over the old Acts, we are not concerned with the old Acts but only with the present Bills which are to be enacted into law, for they are not Acts but in substance and law they are Bills to be passed by this House and no question of amendment arises. That is what my hon. Friend, Mr. Narayanaswami Nayudu pointed out."

MR. PRESIDENT :—" Do you say that we cannot legislate in a body or we cannot repeal in a body or amend in a body. What is your principle?"

DR. V. K. JOHN :—" Sir, my contention is, you cannot enact in a bunch while you can repeal in a bunch and there is nothing wrong in it. What is really wrong is to introduce enacting measures in a bunch and my hon. Friend said that he would not do in this manner again. It might be hereafter but the question of principle is involved here which must be settled."

MR. PRESIDENT :—" But I would like you to consider other points also. Do you mean to suggest that having appointed a Joint Select Committee whose report is before the House and having emerged from the Lower House to this House, it is still open to the House to raise such a point now."

DR. V. K. JOHN :—" I am glad, Mr. President, you have raised that question. The Joint Select Committee was appointed by a motion and not on the introduction of a Bill."

MR. PRESIDENT :—" The report is before you. Would you please refer to the rules and tell me what is the procedure to be adopted now. The procedure is laid down for a Select Committee

22nd April 1948]

[Mr. President]

to be appointed and its report being considered. Is there any other provision under which the Joint Select Committee's Report can be considered differently?"

DR. V. K. JOHN :—" Sir, Rule 75 deals with the method of appointing a Select Committee. We have not appointed a Select Committee at all and we had no occasion or opportunity to discuss the principles of the Bill."

MR. PRESIDENT :—" I know that. Is there any other procedure which deals with the report of the Joint Select Committee or is the same procedure to be adopted? "

THE HON. SRI K. MADHAVA MENON :—" Rule 111 (7), Sir."

DR. V. K. JOHN :—" Sir, what happens is that the Joint Select Committee reports and then there is discussion."

MR. PRESIDENT :—" And then what happens. We cannot appoint a Select Committee."

DR. V. K. JOHN :—" Now, we are at Rule 105. Sir, in a Joint Select Committee on a Bill originating in the Lower House, there is only one opportunity for this House to discuss the general principles of the Bill. That is after the Joint Select Committee Report is considered by the Lower House and the Lower House passes it and sends it here, then only we have an opportunity to discuss the principles of the Bill. At the time this House consented to nominate its quota of members to the Joint Select Committee, it had no opportunity to discuss the principle of this Bill. We passed the motion; the Joint Select Committee was constituted and it went into business. The only opportunity we have is when the stage under Rule 105 is reached, and before that stage, there was no opportunity for this House to discuss the principles of the Bill. Otherwise, it would mean that we have two opportunities to discuss the principles of the Bill. The Bill did not originate in the Council and it is not correct for my hon. Friend to say that we had an opportunity to discuss the general provision of the Bill. As a matter of fact, we have not had any opportunity till now. Except in the case of Bills coming under Rule 75 (2), we have no opportunity at all to discuss the principles of the Bill and the only opportunity for this Council to discuss the proposals so far as the Joint Select Committee's report is concerned, is the present stage, i.e., the stage when Rule 105 is reached. There is no estoppel and there is no estoppel even in the other House; it is for the Select Committee to give direction that every Bill in the schedule should be brought forward as a separate Bill and all the Bills must be introduced individually and not by way of schedules. There is no question of estoppel and the Select Committee itself could have done it and the other House could have done it; if the Select Committee did not do it, or the other House did not do it, there is no question of estoppel in this House.

[Dr. V. K. John] [22nd April 1948]

“ So far as the Imperial Acts, the amending Act to the Civil Procedure Code, the Provident Fund Act, the Indian Navy Act and the Insurance Act are concerned minor amendments have been made; one comma here and one word there : there is no question of principle there. These are Acts already existing and the amendments are made but my contention here is that there is an existing Act for them to amend; you cannot amend an Act which is lapsing.”

MR. PRESIDENT :—“ It has not yet lapsed.”

DR. V. K. JOHN :—“ Any amendment will only go up to the 30th April. If they amend the Act, and the Act lapses that is a different question. What is being done is not amending an existing Act but introducing new Bill for purposes of enactment.”

MR. PRESIDENT :—“ Is it your objection that they must not amend as well as re-enact? ”

DR. V. K. JOHN :—“ My point is they are not amending any Act; they are putting the present Bill before the House telling the House that in presenting the Bill, they have not copied the previous enactments but that they have made certain modifications; let me not use the word ‘ amendment ’ and in law what you are doing is irregular.”

MR. PRESIDENT :—“ Is it not an amendment? ”

DR. V. K. JOHN :—“ It is an amendment of an Act which lapses. If the Central Provinces are doing it is it to be a precedent for us and are we to follow it. We must have our own independent opinion. The principle involved is that a Bill must be introduced and passed in accordance with the rules of business of the House and it cannot merely form part of a schedule of another Bill. The question is whether you can introduce a Bill to be passed into law as a schedule to another Bill. If that is allowed, I say it is illegal; not only irregular but illegal and against the provisions of the rules.”

SRI B. NARAYANASWAMI NAYUDU :—“ Mr. President, let me deal with the question raised as to why this had not been raised in the Select Committee. I know, Sir, that this point ought to have been raised; but that it has not been raised once does not absolve me from doing it now and examining whether the enactment is in order and legally sustainable. That matter can be raised and should be gone into at any stage and there is no question of estoppel with regard to it. It does not prevent my saying to you now that I had been stupid and wrong and I want it to be done in a correct manner and I should not be prevented from becoming wise later on.”

MR. PRESIDENT :—“ Under what provision do you suggest it? ”

SRI B. NARAYANASWAMI NAYUDU :—“ The question is that it can be raised if it is valid in any stage.”

22nd April 1948]

MR. PRESIDENT :—“ But you must also admit that when it has to be done at a particular stage, you cannot leave it and raise the objection later when it ought to have been raised earlier; could you raise it at any stage; could it be raised in the third reading stage? Can you raise a point of order at the time when I am putting it to the vote of the House? ”

SRI B. NARAYANASWAMI NAYUDU :—“ My submission is that, Sir, it can be raised.”

MR. PRESIDENT :—“ But under what rule? ”

SRI B. NARAYANASWAMI NAYUDU :—“ If it is really stupid that it has escaped notice up to a certain stage, it can be done at any stage. In respect of repealing enactments mentioned in the first schedule which are spent and otherwise become unnecessary or cease to be in force otherwise than by an express and specific measure, there is no question of enactment at all. A certain number of Acts are clubbed together for repeal and there is no question of discussion of principles or clause by clause. Citations have been made and I do admit that the Central Provinces Act is on a line with this model.”

MR. PRESIDENT :—“ There is another West Bengal Act also.”

SRI B. NARAYANASWAMI NAYUDU :—“ With regard to the Adaptation Acts it is not the question of any principle that is involved there; it is out of date and it has to be adapted to the new machinery and it is not at all an enactment and so it does not help as a precedent.”

MR. PRESIDENT :—“ What difference does it make if these are individually considered or in a bunch.”

SRI B. NARAYANASWAMI NAYUDU :—You might have seen, Mr. President, the one-party voting going on in dictatorship countries; there will only be 100 votes for a proposition and none against. So also here so many Bills have been brought in and while you may agree to the bulk of them how can you discuss the principles and suggest improvements or modifications in respect of the others? Also in a particular Bill, you may be in favour of all the clauses but one and how can you express what you have to do about that particular clause when that clause is not before the House and for the matter of that no clause is before the House? The whole lot of Bills is before the House; the principle of each Bill could not be discussed and the right to move amendments is not before us. This is a substantive right.”

MR. PRESIDENT :—“ On the basis of admitted facts, we are not having any new Bill in the sense that you have to deal with them clause by clause. We are considering Acts which are existing Acts and validating them; do not you think that there is some

[Mr. President]

[22nd April 1948]

difference between new Bills and validating Bills. When you want to re-validate, should the Bill be brought in again and taken up clause by clause."

SRI B. NARAYANASWAMI NAYUDU :—" That is what I say should not be done. Having a hundred Bills in the schedule to a Bill which is to be passed is wrong and no Government must do it."

MR. PRESIDENT :—" That means that the Government must wait till the enactment lapses."

SRI B. NARAYANASWAMI NAYUDU :—" No, Sir. Only sooner repeal the Governor's acts."

MR. PRESIDENT :—" Is it open to Government to keep quiet till the law lapses by normal efflux of time and bring in another Bill in the same terms and have it passed into law. If they do not want to do that, what is the procedure Government should adopt? The Act is there now and they want to take the time by the forelock and say let it not lapse and let it be continued for some time more; what is the procedure to be adopted? There must be some kind of difference between a Bill which is taken up for the first time in the House and certain validating measures. Supposing there is an Act passed by the House, namely, the Tenants' Protection Act and its life is two years; is it not open to the House to adopt a simple motion saying that it shall be extended for five years? Apart from technicalities, I would like to know the purpose in re-enacting each Act separately."

1-30
to
1-35
p.m.

SRI B. NARAYANASWAMI NAYUDU :—" The object of voting is frustrated. I may be able to carry the House with me on certain Bills. That is not possible if hundred and odd Acts are clubbed together in the Bill."

SRI A. GOVINDACHARYULU :—" I would like to submit this for your consideration. All these Acts are Ordinances . . ."

MR. PRESIDENT :—" They are not Ordinances; they are all Acts. The only difference between these Acts and the other Acts is that they were not considered by the Legislature."

SRI A. GOVINDACHARYULU :—" These are Acts promulgated by virtue of the Ordinance-making power of the Governor. Section 93 (4) of the Government of India Act, 1935, provides that these Acts should be re-enacted by the legislature before the expiry of two years from the date on which the proclamation ceased to have effect and that otherwise they will lapse. The object of the provision is to give an opportunity to the popular representatives to discuss them clause by clause."

MR. PRESIDENT :—" I will give a ruling on the three Bills to-morrow. Meantime we will take up the other Bills. We can begin with the Lapsed Acts (Removal of Doubts) Bill after lunch.

" I now adjourn the House to meet again at 2-30 p.m."